

KATHLEEN A. LEAVITT  
CHAPTER 13 BANKRUPTCY TRUSTEE  
201 Las Vegas Blvd South, Suite 200  
Las Vegas, NV 89101  
kal13mail@las13.com  
Tel: (702) 853-0700  
Fax: (702) 853-0713

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

IN RE:  
JAMES DENNIS ROUFUS  
SUSAN FAY ROUFUS

Debtor(s)

CASE NO: BKS-18-11093-LEB

CHAPTER 13

Hearing Date: July 19, 2018  
Hearing Time: 1:30 pm

BALLSTAEDT LAW FIRM  
Attorney for the Debtor

**AMENDED TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN  
#1 COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

Comes now KATHLEEN A. LEAVITT, Chapter 13 Bankruptcy Trustee, in the above captioned  
bankruptcy case and hereby alleges as follows:

**Statement of Facts**

The Debtor(s) filed for Chapter 13 relief on 03/01/2018. The 341(a) Meeting of Creditors held on June  
12, 2018 at 11:30 am was off calendar .

**Argument**

The Trustee objects to confirmation of the Chapter 13 Plan and recommends that this case be dismissed  
pursuant to 11 U.S.C. §1307(c) for one or more of the following reasons:

- Failure to conclude Section 341 Meeting of Creditors. 11 U.S.C. §1307(c)(1)
- Debtor(s) is/are delinquent in plan payments. 11 U.S.C. §1307(c)(1)

• Debtor(s) is/are delinquent in plan payments. 11 U.S.C. §1307(c)(1). As a result, the Trustee does not have sufficient funds to pay CLASS 4.1 Secured Claims - Post petition monthly contract installment payments or such other Post petition payments as required by the proposed plan and/or a separate Order.

• Debtor has failed to notice the following creditors according to LR 1007(b)(5)(B) State of Utah, Aarons, Capital One (POB 12914), Cash 1 LLC, Community Ambulance, Desert Orthopedic Center, Desert Radiologists, Dish Network LLC, First Premier Bank (POB 5529), Green Trust Cash, Intermountain Health Care, Koster Cash Loans, Lendgreen, Madison Trust Group, Maxlend, Quest Diagnostics, Questar Gas, Rosebud Lending 500, Silvercloud, Southwest Medical, St Rose Dominican Hospital & The Hartford as listed on schedules dated 3/29/18 docket #14

• Trustee cannot recommend confirmation of the plan until it is demonstrated that the Debtor(s) has/have paid all filing fees. 11 U.S.C. sec. 1325(a)(2)

• Debtor failed to file tax returns for 2014-2017. 11 U.S.C. §1308(a) and §1307(e).

• The plan fails to provide for all of the Debtor(s)' disposable income as calculated on form B122C-2 Chapter 13 Calculation of Your Disposable Income, pursuant to 11 U.S.C. §1325(b).

• Plan is not feasible as required by 11 U.S.C. §1322 based on: Internal Revenue Service

Debtor(s) failed to cooperate with the Trustee as necessary to enable the Trustee to perform her duties pursuant to 11 U.S.C. §521(a)(3), §704 and/or §1302. This failure to cooperate has caused unreasonable delay that is prejudicial to creditors under 11 U.S.C. §1307(c)(1) as the Debtor(s) did not provide the following documents:

• Bank Statement(s) for the following period(s): Nevada State Bank #5200 (1/28/18-2/21/18 pg. 2-4 and 2/22/18-3/1/18);  
Nevada State Bank #6139 (2/3/18-3/1/18).

### **Conclusion**

WHEREFORE, for the foregoing reasons, the Trustee objects to confirmation and recommends that this case be dismissed pursuant to 11 U.S.C. §1307(c).

Dated: 6/14/18

/s/ Kathleen A. Leavitt  
Kathleen A. Leavitt  
Chapter 13 Trustee

KATHLEEN A. LEAVITT  
CHAPTER 13 STANDING TRUSTEE  
201 Las Vegas Blvd South  
Suite 200  
Las Vegas, NV 89101

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

**IN RE:**

**CASE NO: BKS-18-11093-LEB  
Chapter 13**

**JAMES DENNIS ROUFUS  
SUSAN FAY ROUFUS**

**Debtor (s)**

**CERTIFICATE OF SERVICE**

1. On June 14, 2018, I served the following document(s):

**AMENDED TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN #1  
COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

2. I served the above-named documents(s) by the following means to the persons  
as listed below:

**United States mail, postage fully prepaid**

JAMES DENNIS ROUFUS	BALLSTAEDT LAW FIRM
SUSAN FAY ROUFUS	9555 S EASTERN AVENUE
11318 MCKINNEY FALLS ST UNIT 104	SUITE 210
LAS VEGAS, NV 89141	LAS VEGAS, NV 89123

**I declare under penalty of perjury that the foregoing is true and correct.**

Signed on: 6/14/18

/s/ Esther Carr  
Employee of  
Kathleen A. Leavitt  
Chapter 13 Standing Trustee